IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 25TH JULY 2006 / 3RD SRAVANA 1928

Bail Appl..No. 4421 of 2006

(CRIME NO.418/2006 OF PATHANAMTHITTA POLICE STATION)

PETITIONER/ACCUSED:

JOHNSON STEPHEN,
THOTTUVASATHUPANAMTHOPPIL, KUMPAZHA P.O.,
PATHANAMTHITTA.

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENTS: COMPLAINANT/STATE:

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
PATHANAMTHITTA POLICE STATION.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 25/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4421/2006

DATED THIS THE 25TH DAY OF JULY, 2006

O R D E R

The petitioner is accused of the offence punishable under Section 381 of IPC, in crime No.418/2006 of Pathanamthitta Police Station. The case was registered on the complaint of the owner of the 'Brothers Jewellery' at Pathanamthitta, where the petitioner is working as an employee. The allegation is that he committed the theft of 250 grams of gold, kept in a paper packet in the drawer of the counter, on 4.5.2006. on the complaint of the complainant, the Circle Inspector of Pathanamthitta Police Station issued a notice to the petitioner, directing him to appear before the investigating officer. But he failed to appear. Thereafter, he was absconding. It is at this stage, he is before this court, under Section 438 Cr.P.C.

2. The learned Public Prosecutor submits that the interrogation of the petitioner is necessary, as the stolen

material objects had to be recovered and the petitioner be thoroughly interrogated, as he had not complied with the notice issued to him, for the interrogation.

3. After hearing both sides, I direct the petitioner to surrender before the investigating officer, in crime No.418/2006 of Pathanamthitta Police Station, on 28.7.2006 between 10.00 a.m and 11.00 a.m. On his surrender, the investigating officer shall interrogate him and thereafter, produce him before the Court below.

4. If further custodial interrogation is necessary, the investigating officer shall move an application and get the custody of the petitioner from the competent Magistrate Court, if granted.

5. On completion of the interrogation, if an application is moved by the petitioner for bail, the learned Magistrate shall consider the said prayer and pass appropriate orders, on merit.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs